

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JUSTIN LEE NABER,**

**Plaintiff,**

**v.**

**No. 15-cv-0129 KG/SMV**

**BERNALILLO COUNTY METROPOLITAN  
DETENTION CENTER, FNU GREER,  
VIRGINIA CHAVEZ, FNU GRANT,  
FNU HOGAN, and CHAPLAIN DEPARTMENT,<sup>1</sup>**

**Defendants.**

**ORDER DENYING PLAINTIFF'S MOTIONS TO COMPEL**

THIS MATTER is before the Court on Plaintiff's Motion to Compel, [Doc. 16], and Motion to Compel Documentation/Photographs of Plaintiff's Hunger Strike, [Doc. 17]. Under D.N.M.LR-Civ. R. 16.3(d), prisoner petitions are excluded from the pre-trial case management procedures of Federal Rule of Civil Procedure 16. Because this is a civil rights action brought by a prisoner, and because discovery has not been ordered by the Court, both motions are **DENIED**.

However, Defendants are ordered to preserve all evidence related to Plaintiff's complaint, including the evidence he describes in his motions, as the Court may order a *Martinez* Report in the future.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**

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<sup>1</sup>Defendants Bernalillo County Metropolitan Detention Center and Chaplain Department were dismissed from the case on August 5, 2015. [Doc. 18] at 3.